

**CITY COUNCIL OF THE CITY OF SAN DIEGO  
CLOSED SESSION DOCKET  
FOR  
MONDAY, MAY 23, 2005  
CITY ADMINISTRATION BUILDING  
COMMITTEE ROOM – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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**NOTE:** In accordance with the San Diego City Council Temporary Rule for Noticing and Conduct of Closed Session Meetings, adopted on March 29, 2004, a portion of the regular open meeting agenda of the City Council has been reserved for City Attorney comment, public comment, and City Council discussion of the content of this Closed Session Docket. **Please see the regular meeting Open Session Agenda to determine when such matters may be heard.**

The City Council will meet in Closed Session immediately following the conclusion of the regular open session meeting on Monday, May 23, 2005, and may continue into Tuesday, May 24, 2005.

**Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):**

**CS-1** *Ralph BWY Development Company v. City of San Diego, et al.*  
San Diego Superior Court No. GIC 847001

DCA assigned: Gleeson; Silva

This matter concerns the Southgate condominium conversion project approved by the Planning Commission on February 3, 2005, and appealed to the City Council. In closed session the City Attorney will advise the Mayor and Council on the case.

**CS-2** *DMIG, Fund 47 v City of San Diego*  
San Diego Superior Court No. GIC 837823

DCA assigned: Silva

This case involves a complaint for inverse condemnation based on the alleged use of Plaintiff's property for the SR-56 / Camino Del Sur eastbound off-ramp and westbound on ramp, located in Torrey Highlands. In closed session, the City Attorney will update the City Council on the status of the litigation and seek direction regarding the parties' proposed settlement.

**Conference with Legal Counsel - anticipated litigation - significant exposure to litigation, pursuant to California Government Code section 54956.9(b):**

**CS-3 *Howard DeYoung & Citizens for the Recreation Use of Pueblo Land v. the City of San Diego, et al.***

San Diego Superior Court Case No. 484761

DCA assigned: Thomas

This matter involves an alleged violation of a 1983 settlement agreement in this case. In closed session, the City Attorney will brief the Mayor and City Council on the matter and seek direction.

**CS-4 *Lagasca, Ferdinand and Joyce Claim***

Claim number: LP-05-0534-1844

DCA assigned: Silva

In closed session the City Attorney and Risk Management will update the City Council on the status and seek authorization of funds to continue the repair and remediation of a property claiming damage resulting from the February rains.

**Conference with Legal Counsel – anticipated litigation – initiation of litigation, pursuant to California Government Code section 54956.9(c):**

**CS-5 *City of San Diego v. McKinnon Properties***

DCA assigned: Silva

This matter involves an Amended and Restated Owner Participation Agreement between the Redevelopment Agency [Agency] and McKinnon Properties, Inc., and approved by the City of San Diego [City]. McKinnon Properties, Inc. has purported to terminate the agreement, which the Agency and City have rejected. The Agency and City have issued a Notice of Default. The City Attorney will be briefing the City Council on the status of the matter and seeking appropriate direction.

**Conference with Real Property Negotiator, pursuant to California Government Code section 54956.8:**

**CS-6 Property:** **City-owned property located at 3889 Midway Drive consisting of approximately 8.36 acres and improved under a 55-year ground lease with a 255-unit apartment complex known as Stonewood Garden Apartments (APN 760-102-67)**

Agency Negotiator: William T. Griffith, Real Estate Assets Director

Negotiating Parties: Lessee, MG Stonewood Garden Apartments, L.P.

Under Negotiation: Seeking direction pertaining to an unsolicited proposal from MG Apartments for the purchase of the fee property and a condominium conversion of the existing apartment units.

DCA assigned: Cusato

This matter involves an unsolicited proposal from MG Apartments to buy out the City's interest in the property. City staff will be seeking direction on whether to negotiate a purchase agreement and, if so, on what terms. If authorized to proceed, and negotiations are successful, City staff will submit the proposed purchase agreement for Council approval.

**Conference with Labor Negotiator, pursuant to Government Code section 54957.6:**

**CS-7 Agency negotiators:** **Lamont Ewell, Bruce Herring, Mike McGhee**

Employee organizations: Municipal Employees Association, Local 127  
AFSME, AFL-CIO, Local 145 International Association of Firefighters AFL-CIO, San Diego Police Officers Association, The Deputy City Attorneys Association of San Diego

DCA assigned: Morris

In closed session, the City's negotiating team will review with the City Council the City's anticipated position with respect to the upcoming meet and confer process. Topics to be discussed include, but are not limited to: 1) salaries and wages, 2) health benefit plans, and 3) retirement benefits, including the recommendations from the Pension Reform Committee. The City Manager and staff will request instructions from the City Council as to those matters.